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REPORT

OF

THE JOINT COMMITTEE

ON THE

HARPERS FERRY OUTRAGES,

January 26, 1860.

State of Virginia

REPORT.

The joint committee of the two houses of the general assembly of Virginia, to whom was referred so much of the governor's message as relates to the recent outrages committed at Harpers Ferry and its vicinity, have had the same under consideration, and submit the following

REPORT:

In the night of the 16th of October last, a band of armed conspirators, from the northern states, in fulfilment of a design which had been long entertained, and deliberately matured, made an incursion into the state of Virginia, at Harpers Ferry, for the purpose of inciting our slaves to insurrection, of placing arms in their hands, of aiding them in plundering the property of their masters, of murdering them and their families, and of overthrowing the government of the commonwealth.

The number of persons directly concerned in this nefarious conspiracy, cannot be accurately ascertained, because many of them escaped, and fled to the northern states and the British provinces. Their plan seems to have been conceived two years ago, and John Brown, the leader of the party, and his more active confederates, have been cautiously engaged for that length of time, in procuring information by means of secret emissaries, collecting money, recruiting men, and obtaining supplies of arms and ammunition, to be used in the accomplishment of their fiendish purposes.

To give greater dignity and importance to their movements, the conspirators met together at Chatham, in Canada west, in May 1858, and formed what purported to be a constitution, for a provisional government, which was to be substituted for the fundamental law of Virginia, when it should have been subverted. Under this instrument, it appears that W. C. Munroe, a free negro, was elected president, A. M. Chapman vice president, John Brown commander

in chief, Richard Realf secretary of state, J. H. Kagi secretary of war, George B. Gill secretary of the treasury, Owen Brown treasurer, and M. K. Delany corresponding secretary. Subordinate military officers were appointed under the authority of this alleged constitution, all of whom were required to take oaths to support it.

Having thus perfected their arrangements, Brown and his associates established a secret military rendezvous in Washington county, in the state of Maryland, a short distance from Harpers Ferry. To this point they caused to be conveyed 200 Sharpe's rifles, which had been furnished to Brown by the emigrant aid society of Massachusetts, to accomplish his bloody purposes in Kansas, about the same number of revolver pistols, with large quantities of ammunition and clothing, and 1500 pikes, which had been manufactured to his order by Charles Blair of Collinsville, Connecticut. These pikes are very formidable weapons, and peculiarly adapted for the use of the slave population, who are unskilled in the management of fire-arms. The heads are about fifteen inches in length, with sharp edges, and the handles are longer than the ordinary musket, with a view to give those who employ them an advantage in a hand to hand contest, with troops armed with the musket and bayonet.

Early in October, John E. Cooke, one of the conspirators, was dispatched under false pretenses into the interior of the county of Jefferson, to ascertain the number of able bodied slaves in particular neighborhoods, and to learn their disposition towards their masters. And Brown acknowledged that he himself had also visited different parts of the state for similar purposes.

The town of Harpers Ferry, situated on the south bank of the Potomac in the county of Jefferson, is the seat of an extensive armory of the United States, and for many years past has been without the protection of a military guard.

When every thing seemed ripe for the execution of their scheme, between 10 and 11 o'clock of Sunday night the 16th of October, a band of the conspirators, in number about 23, advanced stealthily on the town, and finding that the inhabitants had generally retired to sleep, took possession of the armory, containing about 50,000 stand of arms of different kinds.

Parties were then sent into the neighborhood, who broke into the

dwellings of unsuspecting citizens, seized them in their beds, and carried them and their slaves as captives to Harpers Ferry, where they were held in close custody.

At daylight it was discovered that the armory was in the possession of a body of armed men, whose number and purposes being alike unknown, a panic very naturally spread over the town and vicinage. The extreme audacity of the act tended to increase the apprehension which filled the public mind; for no one supposed that so small a number as were actually present would have ventured on such a demonstration, unless they were assured of assistance from some quarter. The peculiar character of the population of the town added to the feeling of distrust. In other towns, having a fixed population bound to each other by ties of kindred, social sympathy and common interest, every one feels that he may safely rely on his neighbor for assistance in the defence of his family and fireside; but in a community like that of Harpers Ferry, where so many are mere temporary sojourners, the sense of security which springs from mutual trust and confidence is greatly diminished.

Early in the morning some skirmishing began between the citizens and the bandits, and several were killed and wounded on both sides. Pressed at all points, the conspirators were soon driven to seek refuge in the armory and engine-house. The armory, from its structure and the number of its windows, was much more exposed to attack than the engine-house, and those who sought shelter in it were promptly dislodged, and in the attempt to escape across the river, were either killed, or wounded and captured. Those in the engine-house were surrounded and held in close siege.

In a few hours troops from the neighborhood assembled in sufficient numbers to storm the engine-house; but as many citizens of the county were held prisoners in it, the citizen soldiers hesitated to commence an assault which might endanger the lives of their friends.

Thus matters stood until night, when a body of marines from Washington arrived under the command of Col. Robert E. Lee. It was deemed advisable by that gallant and considerate officer to defer the attack until daylight. Accordingly, at an early hour of the morning of the 18th, a party of marines detailed for that service, under the immediate command of Lieutenant Green, stormed the engine-house and released the captives. All the conspirators were

either killed or taken prisoners. The prisoners, among whom was the notorious John Brown, were handed over to the civil authorities for trial and punishment.

Of the marines engaged in the assault, one was killed and another wounded.

During the skirmishing of the preceding day four of the citizens of Virginia were killed and ten were wounded. Among the former were several gentlemen of eminent moral and social worth.

The names of the prisoners were Brown, Stevens, Coppoc, Copeland and Green, of whom the two last named were negroes. All of these except Stevens, whose trial was postponed, have been tried, convicted and executed.

During the first night of the attack, and before the citizens of the town were apprised of the danger, a band of the conspirators, among whom were Cook and Hazlitt, were sent to the rendezvous in Maryland, with wagons and teams, and several slaves whom they had pressed into service, to bring off the rifles, pistols and pikes which had been collected at that point. But when they received information of the condition of their confederates at Harpers Ferry, they abandoned their purpose, and fled to the mountains and made their escape. The slaves availed themselves of the first opportunity to return to their masters, and a body of troops sent for that purpose visited the rendezvous and brought off the wagons and arms.

Cook and Hazlitt were subsequently apprehended in Pennsylvania, and promptly surrendered upon a requisition of the governor of Virginia. The conduct of the governor and civil authorities of Pennsylvania, throughout the whole affair, was in all respects worthy of commendation, as having been dictated by an earnest desire to uphold the constitution and the laws.

Cook has been tried, convicted and executed, and Hazlitt remains in confinement with Stevens, awaiting his trial.

Thus, so far as the immediate actors are concerned, this atrocious and bloody invasion of Virginia has terminated. Five of them have paid the extreme penalty of the law, and the two remaining in custody will probably in a short time suffer an ignominious death on the gallows.

But, in the opinion of your committee, this is but a single and comparatively unimportant chapter in the history of this outrage. They would cheerfully have undertaken the task of investigating the subject, in all its relations and ramifications, if they had possessed the power to compel the attendance of witnesses, who reside beyond the limits of the commonwealth; but having no such power, they are constrained to leave that branch of the investigation in the hands of the committee of the senate of the United States.

Your committee have no hesitation, however, in expressing the opinion, from the evidence before them, that many others beside the parties directly engaged in the raid at Harpers Ferry, are deeply implicated, as aiders and abettors, and accessories before the fact, with full knowledge of the guilty purposes of their confederates. Some of these, like Gerritt Smith of New York, Dr. S. G. Howe of Boston, Sanborn, and Thaddeus Hyatt of New York, and probably others, are represented to have held respectable positions in society; but whatever may have been their social standing heretofore, they must henceforth, in the esteem of all good men, be branded as the guilty confederates of thieves, murderers and traitors.

The evidence before your committee is sufficient to show the existence, in a number of northern states, of a widespread conspiracy, not merely against Virginia, but against the peace and security of all the southern states. But the careful erasure of names and dates from many of the papers found in Brown's possession, render it difficult to procure legal evidence of the guilt of the parties implicated. The conviction of the existence of such a conspiracy is deepened by the sympathy with the culprits, which has been manifested by large numbers of persons in the northern states, and by the disposition which your committee are satisfied did exist, to rescue them from the custody of the law.

Near 500 letters, addressed to Governor Wise, after the arrest of Brown and his confederates, have been inspected by your committee. Many of these were anonymous, and evidently written in bad faith, but the greater number were genuine letters, apparently from respectable sources. In some instances, the authors professed to state, from their own knowledge, and in others, from information which they credited, that there were organizations on foot in various states and neighborhoods, to effect the rescue of Brown and his as-

sociates; and they therefore urged the governor to concentrate a sufficient military force about Charlestown (the county seat of Jefferson) to frustrate all such purposes. Several ministers of the gospel, and other citizens who valued the peace and harmony of the country, appealed to Governor Wise, as a measure of humanity, and to save the effusion of blood, to assemble such a body of troops around the prison, as would intimidate the sympathisers from attempting a rescue. They justly foresaw, that even an abortive attempt, attended with loss of life, would in all probability be followed by disastrous consequences to the peace of the country.

Pending the trials, and after the conviction of the prisoners, a great many letters were received by the governor, from citizens of northern states, urging him to pardon the offenders, or to commute their punishment. Some of them were written in a spirit of menace, threatening his life, and that of members of his family, if he should fail to comply with their demands. Others gave notice of the purpose of resolute bands of desperadoes to fire the principal towns and cities of Virginia, and thus obtain revenge by destroying the property and lives of our citizens. Others appealed to his clemency, to his magnanimity, and to his hopes of future political promotion, as presenting motives for his intervention in behalf of the convicted felons. Another class (and among these were letters from men of national reputation) besought him to pardon them on the ground of public policy. The writers professed to be thoroughly informed as to the condition of public sentiment in the north, and represented it as so favorable to the pardon or commutation of punishment of the prisoners, as to render it highly expedient, if not necessary, to interpose the executive prerogative of mercy, to conciliate this morbid popular opinion in the north.

The testimony before the committee amply vindicates the conduct of the executive in assembling a strong military force at the scene of excitement; and the promptness and energy with which he discharged his duty merit, and doubtless will receive the commendation of the legislature and the people of the state.

Your committee do not deem it necessary to prosecute their investigations as to the facts of this iniquitous outrage on the peace and sovereignty of our state, further at this time. They have full confidence in the zeal and ability of the committee of the senate of the

United States, and doubt not that they will employ their more ample powers for the elimination of every fact connected with the transaction. Should their investigation lead to new disclosures, it will be competent for the legislature hereafter to adopt such measures as may be deemed advisable. In the judgment of the committee, enough is exhibited by the testimony before them to justify the legislative action which they propose.

This invasion of a sovereign state by citizens of other states, confederated with subjects of a foreign government, presents matter for grave consideration. It is an event without a parallel in the history of our country. And when we remember that the incursion was marked by distinct geographical features; that it was made by citizens of northern states on a southern state; that all the countenance and encouragement which it received, and all the material aid which was extended to it, were by citizens of northern states; and that its avowed object was to make war upon and overthrow an institution intimately interwoven with all the interests of the southern states, and constituting an essential element of their social and political systems,—an institution which has existed in Virginia for more than two centuries, and which is recognized and guaranteed by the mutual covenants between the north and the south, embodied in the constitution of the United States,—every thoughtful mind must be filled with deep concern and anxiety for the future peace and security of the country.

The subject of slavery has, from time to time, constituted a disturbing element in our political system from the foundation of our confederated republic. At the date of the declaration of our national independence, slavery existed in every colony of the confederation. It had been introduced by the mother country against the wishes and remonstrances of the colonies. It is true that in the more northern members of the confederation, the number of slaves was small, but the institution was recognized and protected by the laws of all the colonies. If then there be any thing in the institution of slavery at war with the laws of God or the rights of humanity (which we deny), the sin attaches to Great Britain as its founder, and to all the original thirteen states of the confederacy as having given to it their sanction and support.

Shortly after the declaration of independence the northern states adopted prospective measures to relieve themselves of the African

population. But it is a great mistake to suppose that their policy in this particular was prompted by any spirit of philanthropy or tender regard for the welfare of the negro race. On the contrary it was dictated by an enlightened self-interest, yielding obedience to overruling laws of social economy. Experience had shown that the African race were not adapted to high northern latitudes, and that slave labor could not compete successfully with free white labor in those pursuits to which the industry of the north was directed. This discovery having been made, the people of the north, at an early day, began to dispose of their slaves by sale to citizens of the southern states, whose soil, climate and productions were better adapted to their habits and capacities; and the legislation of the northern states, following the course of public opinion, was directed not to emancipation, but to the removal of the slave population beyond their limits. To effect this object, they adopted a system of laws which provided, prospectively, that all children born of female slaves, within their jurisdiction, after certain specified dates, should be held free when they attained a given age. No law can be found on the statute book of any northern state which conferred the boon of freedom on a single slave in being. All who were slaves remained slaves. Freedom was secured only to the children of slaves, born after the days designated in the laws; and it was secured to them only in the contingency that the owner of the female slave should retain her within the jurisdiction of the state until after the child was born. To secure freedom to the after-born child, therefore, it was necessary that the consent of the master, indicated by his permitting the mother to remain in the state, should be superadded to the provisions of the law. Without such consent the law would have been inoperative, because the mother, before the birth of the child, might, at the will of the master, be removed beyond the jurisdiction of the law. There was no legal prohibition of such removal—for such a prohibition would have been at war with the policy of the law, which was obviously removal and not emancipation. The effect of this legislation was, as might have readily been foreseen, to induce the owners of female slaves to sell them to the planters of the south before the time arrived when the forfeiture of the offspring would accrue. By these laws a wholesale slave trade was inaugurated, under which a large proportion of the slaves of the northern states were sold to persons residing south of Pennsylvania; and it is an unquestionable fact that a large number of the slaves of the southern states are the descendants of those

sold by northern men to citizens of the south, with covenants of general warranty of title to them and their increase.

As early as 1778, Virginia, foreseeing the influx of slaves from the north, under the operation of natural causes, and of anticipated legislation, sought to guard herself against its effects, by stringent prohibitory enactments. With this view, in that year, she passed a law forbidding the importation of slaves into Virginia, by land or sea, under penalty of £1,000 for each slave so imported, and the forfeiture of the right to the slave. The only exceptions made by the law, were in favor of *bona fide* immigrants, bringing their slaves with them, and persons acquiring title to slaves in other states, by descent, devise or marriage. See 9 Hen. Stat. 471–2. This law remained in force until the revisal of 1819, when it was dropped from the code as unnecessary.

In the more northern states, slavery ceased to exist shortly after the revolution. As early as 1774 it was provided by law in Rhode Island, that all the offspring of female slaves, born after 1784, should be free. Under the influence of natural causes it also became practically extinct about the date of the revolution, in Vermont, New Hampshire and Massachusetts. A few slaves however lingered in those states until after the adoption of their respective constitutions, when, under the operation of their declarations of rights, those who thought proper to assert a claim to freedom obtained it. The judicial decision of the supreme court of Massachusetts, by which slavery in that state became extinct, was pronounced in the case of Littleton v. Tuttle, in 1796. Chief Justice Parsons, in delivering the opinion of the court in Winchedon v. Hatfield, 4 Mass. R. 127, says, "Slavery was introduced into this country soon after its first settlement, and was tolerated until the ratification of the present constitution (2d March 1780). The slave was the property of his master, subject to his orders, to reasonable correction for misbehavior, was transferable like a chattel by gift or sale, and was assets in the hands of his executor or administrator. If the master was guilty of a cruel or unreasonable castigation of his slave, he was liable to be punished for a breach of the peace, and I believe the slave was allowed to demand sureties of the peace from a violent and barbarous master, which generally caused a sale to another master. And the issue of the female slave, according to the maxim of the civil law, was the property of her master. Under these re-

gulations the treatment of slaves was in general mild and humane, and they suffered hardships not greater than hired servants."

Notwithstanding the Massachusetts declaration of rights in 1780, slavery seems to have continued for some years in that state. The following brief report of the case of Littleton v. Tuttle is appended to Judge Parsons' opinion in the case of Winchedon v. Hatfield:

"This was an action of assumpsit for money expended by the plaintiffs for the support and maintenance of Jacob, alias Cato, a negro and a pauper. Upon the general issue pleaded, the following facts were proved to the jury: Cato's father, named Scipio, was reputed a negro slave when Cato was born, and according to the then general usage and opinion, was the property of Nathan Chase, an inhabitant of Littleton. Cato's mother, named Violet, was a negro in the same reputed condition, and the property of Joseph Harwood. Scipio and Violet were lawfully married and had issue, Cato, who was born in Littleton January 18th, 1773, and was there, in the general opinion, a slave, the property of the said Harwood, as the owner of his mother. Harwood, on the 17th February 1779, sold him to the defendant (Tuttle), who retained him in his service until he was 21 years old. He being then a cripple and unable to labor, the defendant delivered him to the overseers of the poor of Littleton, and left him with them, refusing to make any provision for him, whereupon the overseers expended the money in his maintenance for which this action was brought.

"The court stopped the defendant's counsel from replying, and the chief justice charged the jury, as the unanimous opinion of the court, that Cato, being born in this country, was born free, and that the defendant was not chargeable for his support after he was 21 years of age."

It thus appears that slavery ceased to exist in Massachusetts, not by legislative action, but by the operation of a judicial decision rendered in 1796, by which a construction was placed on certain provisions of her declaration of rights, which is very different from the interpretation which similar provisions have received in other parts of the confederacy. The clause referred to is in these words: "All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; and that

of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness." It is obvious also that this provision of the declaration of rights could not have been regarded as necessarily conferring the right to freedom on the slave population; for if such had been the opinion generally entertained, it would not have remained inoperative for sixteen years.

Pennsylvania passed her first act for the removal of slavery 1st March 1780—New Jersey in 1784—Connecticut in 1784, and New York in 1788; but these laws were very gradual in their operation, for the census tables disclose the fact that in 1790, there were 158 slaves in New Hampshire and 17 in Vermont, and much larger numbers in the other states. As late as 1830 there were slaves in every New England state except Vermont.

It thus appears that each state has claimed and exercised the right to regulate its own domestic institutions, according to its own pleasure, without let or hindrance from the other states.

At the time the federal constitution was adopted, the whole number of slaves, in all the states north of Delaware, was 40,370, of whom three-fourths were found in New York and New Jersey, and it was well known to every one, that in a few years the institution would cease to exist in all the northern states.

At this date, the African slave trade existed in full vigor, and the importation of slaves into some of the states was tolerated, whilst in others it was strictly prohibited, under heavy penalties.

When, in pursuance of the invitation given by Virginia to her sister states, to send delegates to a convention, to form a more perfect union, that body assembled, these diversities in the institutions and interests of the northern and southern states, which it was foreseen would tend progressively to increase, naturally attracted attention, and were the subject of grave and anxious deliberation.

The first form in which the slavery question presented itself to the framers of the constitution, was in regard to the relation of the slave population to taxation and representation. This question was adjusted without much debate, to the satisfaction of all parties, in conformity with the rule previously established in the continental congress, by a compromise, which stipulated that three-fifths of the slave population should be counted in establishing the ratio of re-

presentation, and in the imposition of direct taxes. The vote by states on this proposition stood: Ayes—Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia—9. Nays—New Jersey and Delaware—2. Elliott's Debates, vol. 1, p. 203.

The next aspect in which the subject arose was in regard to the suppression of the African slave trade; and here again the subject of difference was settled in a wise spirit of conciliation and mutual concession.

The proposition originally reported to the convention was in these words: "The migration or importation of such persons as the several states now existing shall think proper to admit, shall not be prohibited by the legislature prior to the year 1800, but a tax or duty may be imposed on such migration or importation at a rate not exceeding the average of the duties levied on imports." Elliott's Debates, vol. 1, p. 292. On the 25th of August 1787, it was moved to amend the report, by striking out the words "the year eighteen hundred" and inserting the words "the year eighteen hundred and eight," which passed in the affirmative: Yeas—New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina and Georgia—7. Nays—New Jersey, Pennsylvania, Delaware and Virginia—4. Rhode Island and New York did not vote on the question. Thus it appears that New Hampshire, Massachusetts and Connecticut voted to prolong the period during which the slave trade should be allowed.

On the question to agree to the first part of the report as amended, viz: "The migration or importation of such persons as the several states now existing shall think proper to admit, shall not be prohibited by the legislature prior to the year 1808," it passed in the affirmative. Yeas—New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina and Georgia—7. Nays—New Jersey, Pennsylvania, Delaware and Virginia—4. Elliott's Deb. vol. 1, p. 295-6.

The course of Virginia on this subject, it is well known, was dictated by no friendly feeling to the African slave trade. She had prohibited it by her own laws as early as 1778, and George Mason, one of her delegates to the federal convention, refused to give his sanction to the constitution, among other reasons, because it failed to place an immediate interdict on the African trade.

The third and last form in which the subject of slavery was considered by the convention, was in reference to the surrender of fugitive slaves. The provision on this subject came up for consideration on the 29th of August 1787. It was in these words: "If any person be bound to service or labor in any of the United States, and shall escape into another state, he or she shall not be discharged from such service or labor, in consequence of any regulation subsisting in the state to which they shall escape, but shall be delivered up to the person justly claiming their service or labor."

The propriety and justice of this provision were so obvious, that it was adopted by the unanimous vote of the convention. Elliott's Debates, vol. 1, p. 303.

Your committee have thus reviewed the history of all the provisions of the constitution of the United States, which have a direct bearing on the subject of slavery, and it will be seen that on every point they are of the most distinct and imperative character. They are in the nature of formal covenants. These covenants constituted the consideration for which the southern states agreed to make concessions on their part, intended for the public good. Without these covenants on the part of the northern states, the constitution could not have been formed or adopted. A wise and patriotic conciliation pervaded the councils of the convention, which secured harmony in all their deliberations, and a unanimous vote in favor of the constitution.

When their work was accomplished, by order of the convention, it was submitted to the continental congress, accompanied by a letter from George Washington, which is so replete with just and patriotic sentiments, and so instructive as to the motives by which the convention was guided, that your committee cannot forbear to make some extracts from it. This letter, addressed to his excellency the president of congress, was approved, September 17, 1787, by unanimous order of the convention.

"It is obviously impracticable," writes this wisest and most patriotic of statesmen, "in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circum-

stance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits and particular interests.

"In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our property, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

"That it will meet the full and entire approbation of every state, is not perhaps to be expected; but each will doubtless consider that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish."

It is doubtless true, that the constitution was not, in all its details, acceptable to a single state represented in the convention. But it embodied the results of their joint counsels, governed by a spirit of concord and amity, in obedience to which each state agreed to make some concessions for the common good.

The first census was taken in the year 1790, and from that time to the present the constitutional covenant in regard to the computation of three-fifths of the slave population, in ascertaining the ratio of representation, has been faithfully and honestly observed.

In 1807 a law was passed by congress, in conformity with the provisions of the constitution, prohibiting the slave trade after the 1st of January 1808. No attempt was made to pass such a law before the day indicated by the constitution, and therefore that covenant was also performed with scrupulous fidelity.

In 1793, congress, in obedience to the mandate of the constitution, enacted a law providing for the rendition of fugitives from labor. This act was defective in many of its provisions, but in consequence of the spirit of fraternity and justice which pervaded the minds of the people of all portions of the Union, in the earlier and better days of the republic, no practical inconvenience resulted from the imperfections in the law. As a striking illustration of the just sentiments which prevailed shortly after the government of the United States went into practical operation, your committee take pleasure in referring to the patriotic action of the state of Vermont. In 1786, that state had passed a penal law to prevent the sale and transportation of negroes and mulattoes out of the state. See Haswell ed. 117. But immediately upon her admission into the Union she repealed it, because it was supposed to be in conflict with the section of the constitution of the United States in regard to the surrender of fugitives from labor.

In 1802 the subject of the duty of the states under the federal constitution was referred to in the supreme court of Vermont, and the judges availed themselves of the occasion to give expression to sentiments which deserve to be deeply impressed on the hearts of the people of all sections. Judge Tyler remarked, "With respect to what has been observed on the constitution and laws of the Union, I will observe that whoever views attentively the constitution of the *United States*, while he admires the wisdom which framed it, will perceive that in order to unite the interests of a numerous people, inhabiting a broad extent of territory, and possessing, from education and habits, different modes of thinking on important subjects, it was necessary to make numerous provisions in favor of local prejudices, and so to construct the constitution, and so to enact the laws made under it, that the rights or supposed rights of all should be secured throughout the whole national domain. In compliance with the spirit of this constitution, upon our admission into the federal Union, the statute laws of this state were revised, and a penal act which was supposed to militate against the third member of the second section of the 4th article of the constitution of the *United States*, was repealed; and if cases shall happen in which our local sentiments and feelings may be violated, yet I trust the good people of *Vermont* will, on all such occasions, submit with cheerfulness to the national constitution and laws, which if we may wish in some particular more congenial to our modes of thinking, yet we

must be sensible are productive of numerous and rich blessings to us as individuals, and to the state as an integral part of the Union."

Chief Justice Jonathan Robinson spoke as follows: "I concur fully in opinion with the assistant judge. I shall always respect the constitution and laws of the Union; and though it may sometimes be a reluctant, yet I shall always render a prompt obedience to them, fully sensible that while I reverence a constitution and laws which favor the opinions and prejudices of the citizens of other sections of the Union, the same constitution and laws contain also provisions which are favorable to our peculiar opinions and prejudices, and which may possibly be equally irreconcilable with the sentiments of the inhabitants of other states, as the very idea of slavery is to us." See 2 Tyler's Rep. 199, 200.

As long as the states continued to be governed in their relations to the federal government and to each other by the wise and patriotic spirit which dictated these opinions, none but the most amicable feelings could exist between them. Up to this period, therefore, no disposition was manifested in any quarter to repudiate the guarantees of the constitution.

The acquisition of Louisiana and Florida, embracing a large extent of territory adapted to slave labor, gave rise to some uneasiness in the northern mind in regard to the future ascendancy of the slave states in the national councils. This uneasiness continued to increase until 1820, when it developed itself practically by an attempt to impose restrictions on the state of Missouri as conditions precedent to her admission into the Union. It is but just, however, to state, that the struggle on this question was marked not so much by hostility to slavery as by jealousy of the growing political power of the southern states. The contest in regard to the terms on which Missouri should be admitted created deep feeling throughout the Union. It was the first occasion on which parties were arrayed according to geographical divisions, and it was at once perceived that a contest of that character was fraught with danger to the harmony and permanency of the Union. Fortunately, the restrictions on the state of Missouri were defeated. A line of partition was subsequently drawn through the unoccupied territory of the United States, along the parallel of 36° 30′ to our western frontier, with an enactment that slavery was to be prohibited in all the territory north of that line, and permitted, if desired by the people, in all south

of it. By this arrangement, the two systems of civilization and labor were left to progress westward, side by side.

Under this compromise it was supposed that all causes of controversy arising out of the irritating subject of slavery would be banished from the halls of federal legislation. But in a few years an inconsiderable band of fanatics, instigated by a mischievous spirit, besieged the two houses of congress with petitions to abolish slavery in the district of Columbia, and to prohibit the slave trade between the states. The effect of these petitions was to create much irritation and ill feeling between different parts of the Union.

Such was the aspect of the slavery question in 1843–4, when Texas, which had recently established her independence after a gallant struggle with Mexico, sought admission into our Union. There was great diversity of opinion among the people of the United States, both in the northern and southern states, as to the policy of receiving her into our confederacy. Animated discussions ensued in all parts of the country on this great question; and finally, so absorbing was the interest which was felt in it, that the question of admission or non-admission became an important element in the presidential election of 1844. James K. Polk was the representative of those favorable to admission, and Henry Clay of those opposed to it. On this great issue the parties went before the country, and the verdict of public opinion was in favor of the admission of Texas as a slave state, and with a stipulation in the form of an irrevocable compact, that at a future day four more slave states might be carved out of her vast territory, as the convenience of her advancing population might require. The northern or non-slaveholding states which voted for Mr. Polk, were Maine, New Hampshire, New York, Pennsylvania, Indiana, Illinois and Michigan, giving 103 electoral votes. The slave states voting with them were Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Missouri and Arkansas—67 electoral votes.

This vast addition to the slave territory of the United States, was therefore approved by the concurrent votes of the slaveholding and non-slaveholding states; and whatever responsibility belongs to the act, in a moral, social or political aspect, necessarily attaches itself to them in common.

The admission of Texas was soon followed by the war with Mexico,

which, after a series of brilliant victories, resulted in the subjugation of her capital, and the ratification of the treaty of Guadaloupe Hidalgo, by which she ceded to the United States Upper California, New Mexico, and other territory west of our ancient frontier. The *status* of these territories, in regard to slavery, was unsettled, and immediately after the ratification of the treaty of peace, an animated struggle on this question arose in the two branches of congress.

The south promptly proposed a compromise, by which the line of partition along the parallel of 36° 30′ should be extended to the Pacific ocean, and that the covenants of the Missouri compromise should be extended to all the newly acquired territory. This proposition was rejected by the north, and an angry contest ensued, which seriously endangered the peace and tranquillity of the Union. Peaceful counsels however prevailed. The most eminent men, of both political parties, and of all parts of the confederacy, labored together to effect an adjustment; and finally, in September 1850, under the auspices of Clay and Cass, and Webster and Dickenson, and Douglas and Foote, and other distinguished men, a series of measures was matured, sanctioned by both branches of congress, and approved by the president.

Under this system of compromise, California, in conformity with her wishes, expressed through her state convention, which though irregularly convened, was supposed to represent the sentiments of her people, was to be admitted as a free state, and the *status* of the residue of the territory ceded by Mexico was to be determined by the people of the territories when they sought admission into the Union. The system of adjustment also embraced two other important features, one of which was adopted in deference to the wishes of the north, and the other for the benefit of the south. The first was the abolition of the slave trade in the district of Columbia, and the second was the passage of a more efficient law for the rendition of fugitives from labor, to supply the defects of the act of 1793.

This series of measures, though passed in the form of separate bills, constituted substantially one system of pacification. The passage of one act was the consideration for the passage of the others. Neither could have passed without the assurance of the passage of the others. The provisions embraced by them were in the nature of mutually dependent covenants, and if it be possible to increase the sanctity and validity of a law by superadding the obligations of

a compact and of plighted faith, no example can be found on our statute books better calculated to illustrate the principle than the fugitive slave law of 1850. All the covenants entered into by the south were of a nature which required that they should be performed without delay, while the compensating agreements of the north were to be executed in future.

The south acquiesced in the admission of California as a free state—permitted Texas to be dismembered of a portion of her territory, in which, by her compact with her sister states, slavery was to exist—and allowed the slave trade to be prohibited in the district of Columbia. The price which the north agreed to pay for these concessions, was nominal, being the recognition of the right of New Mexico and the other newly acquired territory to introduce or exclude slavery, as they might think proper, and the passage of a law which would faithfully fulfil all the constitutional requirements in regard to the surrender of fugitive slaves.

Under this compromise the south has performed every thing that was incumbent on her. California has been admitted as a free state—Texas has been dismembered—and the slave trade in the district of Columbia has been abolished.

The south now asks the fulfilment of the compensating covenants on the part of the north. It is true that the fugitive slave law has passed through all the forms of legislation, and now has a place among the acts of congress. But it is a fact, notorious to the world, that the law is a dead letter—that while it keeps the promise to the ear, it hath broken it to the hope. From the time of its passage to the present hour the people, the legislative assemblies and the judicial tribunals of the northern states, have manifested the most determined purpose to set it at naught. Although it has been adjudged by the highest court of the United States to be in conformity with the constitution, and therefore to be a part of the supreme law of the land, the legislatures of almost all the northern states have passed acts to nullify or evade its practical execution. Many of their courts have interposed every obstacle in their power to its enforcement, and mobs have risen in most of the northern cities to resist the law, and to rescue the fugitives from labor by force of arms; and several southern citizens have been murdered whilst engaged in attempts to arrest their slaves.

From the compendium of the census of 1850, it appears that the number of slaves who escaped from their masters in the year 1849–'50, was 1,011, whose aggregate value was near one million of dollars.

This condition of things furnishes a striking evidence of the growth of a spirit unfriendly to the guarantees of the constitution, and at war with all the obligations of national faith, which is in painful contrast with the patriotic conduct of Vermont in the better days of the republic, which has already been adverted to.

The compromise measures of 1850 were by no means acceptable, in all their features, either to the north or the south. But patriotic men of both sections were willing to sacrifice their opinions and wishes for the public good; and in 1852 both the great political parties which then divided the country, and contended for the power to guide its policy, through their respective national conventions, declared their purpose to abide by the compromises of 1850, and to discountenance the further agitation of the slavery question in or out of congress. President Pierce having been elected on this platform, availed himself of the earliest appropriate occasion, in his first annual message to congress in Dec. 1853, to announce his purpose to conform to the pledges given in his behalf by those who elected him.

In 1854 a bill was introduced into congress, under the auspices of a distinguished senator from Illinois, for the organization of territorial governments in Kansas and Nebraska. As originally reported, the bill was silent in regard to slavery. Subsequently, the bill was modified so as to embrace a clause which declared the law of 1820, commonly known as the Missouri compromise act, inoperative and void, and in this form it became a law. The avowed object of the mover and friends of the bill was to remove the slavery agitation from the halls of congress, and to localize it, by confining it to the territories as they should respectively be in a condition to establish their own municipal institutions. The bill declared on its face that its true intent and meaning was "not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

The passage of this law furnished the pretext for the revival, with increased bitterness, of all the sectional feuds which had been temporarily allayed by the measures of 1850. Throughout the northern states, old party lines were almost obliterated, and a new northern political organization sprang into existence, under the designation of the republican party. This organization was distinctly sectional in its character, and it soon acquired the ascendancy in almost every northern state. The ostensible object of this party was to organize public opinion in opposition to the repeal of the Missouri compromise, and to the extension of slavery into new territories. But it soon became evident, from the sectional character of the party, the doctrines which it inculcated, and the policy which it pursued, that its real purpose was to make war upon the institution of slavery itself. Your committee have no doubt that the ulterior designs of the leaders of the party were carefully concealed from the great body of those who enlisted under its banner, and who would have then recoiled from the idea of invading the acknowledged rights of the southern states, and trampling under foot the solemn compacts of the constitution. The object was to obtain the co-operation of the northern people, by the specious pretenses of opposition to the repeal of the Missouri compromise and to the extension of slavery, and then, by the force of party affinities and discipline, to lead or drive them into open warfare on the institution itself.

The first evidence of the true design of the republican party is to be found in their failure to seek the assistance and co-operation of those citizens of the southern states who were equally opposed with themselves to the repeal of the Missouri compromise, and the whole policy of the government in regard to Kansas and Nebraska. If their purposes had been such as they represented them to be, at the outset, they would naturally have sought the alliance of all who concurred with them in sentiment, without reference to geographical divisions. This they declined to do, and for the first time in the history of our country, the spectacle was exhibited of a party organized on a strictly sectional basis. The dangers likely to result from the formation of such parties were foreseen by the father of his country, and constituted the subject of one of his most solemn admonitions to his countrymen, in his Farewell Address. These are his impressive words:

"In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have

been furnished for characterizing parties by geographical discriminations, *Northern* and *Southern*, *Atlantic* and *Western*, whence designing men may endeavor to incite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence with particular districts is, to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection."

The purposes of the party were still farther disclosed, when they assembled in their national convention, to give formal and authentic expression to their political creed, and to select their candidate for the presidency. In one of the resolutions adopted by that body, they avow the opinion that slavery stands on the same level with polygamy, and denounce both as "twin relics of barbarism." By this declaration they seek to place all the southern states outside of the pale of civilization, and to cover with obloquy and reproach the memory of Washington, Jefferson, Henry, Madison, Marshall, Clay, Calhoun, Lowndes, and the whole host of southern patriots, whose illustrious names constitute the brightest jewels in the treasury of our national fame.

When it was supposed that public opinion was sufficiently prepared for the announcement, we find the doctrine openly proclaimed in various parts of the north, by the representative men of the republican party, that there exists an irrepressible conflict between the social systems of the north and the south, which must progress, until one or the other is exterminated.

Such is the organization, and such are the cardinal doctrines of the republican party, as derived from the legitimate exponents of their faith and policy.

If we turn to the legislative action of the northern states, in which that party has obtained the ascendancy, we find that it is in strict conformity with their mischievous dogmas. Their statute books are filled with enactments conceived in a spirit of hostility to the institutions of the south, at war with the true intent and meaning of the federal compact, and adopted for the avowed purpose of rendering nugatory some of the express covenants of the constitution of the United States.

It would extend this report to an unreasonable length, if your committee should attempt to review this unfriendly legislation in detail. They will therefore content themselves with a brief reference to some of the most prominent features of these laws, copies of which will be found in the appendix.

Maine.

By the laws of this state it is provided, that if a fugitive slave shall be arrested, he shall be defended by the attorney for the commonwealth, and all expenses of such defence paid out of the public treasury. The use of all state and county jails and of all buildings belonging to the state, are forbidden the reception or securing fugitive slaves, and all officers are forbidden, under heavy penalties, from arresting or aiding in the arrest of such fugitives. If a slaveholder or other person shall unlawfully seize or confine a fugitive slave, he shall be liable to be imprisoned for not more than five years, or fined not exceeding $1,000. If a slaveholder take a slave into the state, the slave is thereby made free; and if the master undertake to exercise any control over him, he is subjected to imprisonment for not less than one year, or fined not exceeding $1,000.

The Dred Scott decision of the supreme court has been declared unconstitutional, and many offensive and inflammatory resolutions have been passed by the legislature.

New Hampshire.

Your committee have not had access to a complete series of the laws of this state. But a general index, which has been consulted, shows that a law exists by which all slaves entering the state, either with or without the consent of their masters, are declared free; and any attempt to capture or hold them, is declared to be a felony.

Vermont.

This state seems to have entirely forgotten the conservative and law-abiding sentiment which governed its action in the earlier period of her history.

Her law now forbids all citizens and officers of the state from executing or assisting to execute the fugitive slave law, or to arrest a fugitive slave, under penalty of imprisonment for not less than one

year, or a fine not exceeding $ 1,000. It also forbids the use of all public jails and buildings for the purpose of securing such slaves. The attorneys for the state are directed, at public expense, to defend, and procure to be discharged every person arrested as a fugitive slave. The *habeas corpus* act also provides that fugitive slaves shall be tried by jury, and interposes other obstacles to the execution of the fugitive slave law.

The law further provides, that all persons unlawfully capturing, seizing or confining a person as a fugitive slave, shall be confined in the state prison not more than ten years, and fined not exceeding $ 1,000. Every person held as a slave, who shall be brought into the state, is declared free, and all persons who shall hold, or attempt to hold as a slave, any person so brought into the state in any form, or for any time, however short, shall be confined in the state prison not less than one nor more than fifteen years, and fined not exceeding $ 2,000. The legislature has also passed sundry offensive resolutions.

Massachusetts.

The laws of this state forbid, under heavy penalties, her citizens, and state and county officers, from executing the fugitive slave law, or from arresting a fugitive slave, or from aiding in either; and denies the use of her jails and public buildings for such purposes.

The governor is required to appoint commissioners in every county to aid fugitive slaves in recovering their freedom when proceeded against as fugitive slaves, and all costs attending such proceedings are directed to be paid by the state.

Any person who shall remove, or attempt to remove, or come into the state with the intention to remove or assist in removing any person who is not a fugitive slave, within the meaning of the constitution, is liable to punishment by fine not less than $1,000 nor more than $ 5,000, and imprisonment not less than one nor more than five years.

Their *habeas corpus* act gives trial by jury to fugitive slaves, and interposes other unlawful impediments to the execution of the fugitive slave law. Her legislature has also passed violent and offensive resolutions.

Connecticut.

This state, which as late as 1840 tolerated slavery within her own borders, as appears by the census of that year, prohibits, under severe penalties, all her officers from aiding in executing the fugitive slave law, and vacates all official acts which may be done by them in attempting to execute that law.

By the act of 1854, sec. 1, it is provided, that every person who shall falsely and maliciously declare, represent or pretend that any person entitled to freedom is a slave, or owes service or labor to any person or persons, with intent to procure or to aid or assist in procuring the forcible removal of such free person from this state as a slave, shall pay a fine of $5,000, and shall be imprisoned five years in the state prison.

"Sec. 2. In all cases arising under this act, the truth of any declaration, representation or pretence that any person being or having been in this state, is or was a slave, or owes or did owe service or labor to any other person or persons, shall not be deemed proved, except by the testimony of at least two credible witnesses testifying to facts directly tending to the truth of such declaration, pretence or representation, or by legal evidence equivalent thereto."

Sec. 3 subjects to a fine of $5,000 and imprisonment in the state prison for five years, all who shall seize any person entitled to freedom, with intent to have such person held in slavery.

Sec. 4 prohibits the admission of depositions in all cases under this act, and provides that if any witness testifies falsely *in behalf of the party accused* and prosecuted under this act, he shall be fined $5,000, and imprisoned five years in the state prison. This law is, in the opinion of your committee, but little short of an invitation to perjury, by imposing no penalties on false swearing *against* the party accused.

The resolutions of the legislature are offensive and disorganizing.

Rhode Island.

The statutes of Rhode Island provide that any one who transports, or causes to be transported by land or water, any person lawfully

inhabiting therein, to any place without the limits of the state, except by due course of law, shall be imprisoned not less than one nor more than ten years. They also prohibit all officers from aiding in executing the fugitive slave law, or arresting a fugitive slave, and deny the use of her jails and public buildings for securing any such fugitive.

New York.

This state has enacted that every person who shall, without lawful authority, remove or attempt to remove from this state any fugitive slave, shall forfeit, to the party aggrieved, five hundred dollars, and be imprisoned not exceeding ten years in the state prison; and all accessories after the fact are also liable to imprisonment.

The *habeas corpus* act provides that fugitive slaves shall be entitled to trial by jury, and makes it the duty of all commonwealth's attorneys to defend fugitive slaves, at the expense of the state.

New York has a fugitive law of her own, which is of no practical use, and has forbidden her judicial officers from proceeding under any other law.

Prior to 1841, persons not inhabitants of the state were allowed to take their slaves with them, and keep them in the state for a limited time, but the law has been repealed.

New Jersey.

Her law provides that if any person shall forcibly take away from this state any man, woman or child, bond or free, into another state, he shall be fined not exceeding $1,000, or by imprisonment at hard labor not exceeding five years, or both.

The *habeas corpus* act gives a trial by jury to fugitive slaves, and all judicial officers are prohibited from acting under any other than the law of New Jersey.

Pennsylvania.

Prior to 1847 non-resident owners of slaves were allowed to retain them in Pennsylvania not exceeding six months. In 1847 this privilege was revoked. Slaves are also allowed to testify in all cases in the courts of Pennsylvania. It is further provided by law that any

person "who violently and tumultuously seizes upon any negro or mulatto, and carries such negro away to any place, either with or without the intention of taking such negro before a district or circuit judge, shall be fined not exceeding $1,000, and imprisoned in the county jail not exceeding three months. The law also punishes with heavy fine, and imprisonment in the penitentiary, any person who may forcibly carry away or attempt to carry away any free negro or mulatto from the state. The sale of fugitive slaves is prohibited under heavy penalties, and a trial by jury is secured to fugitive slaves, in violation of the laws of the United States.

Illinois.

Illinois has prohibited, under pain of imprisonment of not less than one nor more than seven years, any person from stealing or arresting any slave, with the design of taking such slave out of the state, without first having established his claim thereto, according to the laws of the United States. These penalties will be incurred by the master who pursues his slave across the border and apprehends him, without waiting for the action of commissioner or courts.

Indiana.

Some of the laws of this state are favorable to the recovery of fugitives from labor. But the law as to kidnapping is similar to that of Illinois as above noted, except that the penalties are greater. The fine is not less than $100 nor more than $5,000, and the term of imprisonment not less than two nor more than fourteen years.

Ohio.

In 1858 the most offensive parts of the laws of this state were repealed. It is understood, however, that measures are in contemplation, if they have not been already initiated, to re-enact them.

Michigan.

The laws of this state are peculiarly obnoxious to criticism. They not only deny the use of the jails and public buildings to secure fugitive slaves, and require the attorneys for the commonwealth to defend them at the expense of the state, but the law of Connecticut in relation to the punishment of persons falsely alleging others to be

slaves, is adopted, with the addition that any person who carries a slave into this state, claiming him as such, shall be punished by imprisonment in the state prison for a period not exceeding ten years, or by a fine not exceeding $1,000.

The *habeas corpus* act provides for trial by jury of claims to fugitive slaves.

Resolutions have also been adopted by the legislature, urging the repeal of the fugitive slave law, and the prohibition of slavery in the district of Columbia and the territories.

Wisconsin.

Following the example of her sister states of the north, in parts of their hostile legislation, this state has, in some particulars, gone beyond all the rest. She has directed her district attorneys, in all cases of fugitive slaves, to appear for and defend them at the expense of the state. She has required the issue of the writ of *habeas corpus*, on the mere statement of the district attorney that a person in custody is detained as a fugitive slave, and directs all her judicial and executive officers who have reason to believe that a person is about to be arrested or claimed on such ground, to give notice to the district attorney of the county where the person resides. If a judge in vacation fails to discharge the arrested fugitive slave on *habeas corpus*, an appeal is allowed to the next circuit court. Trial by jury is to be granted at the election of either party, and all costs of trial, which would otherwise fall on the fugitive, are assumed by the state. A law has also been enacted, similar to that of Connecticut, for the punishment of one who shall falsely and maliciously declare a person to be a fugitive slave, with intent to aid in procuring the forcible removal of such person from the state as a slave. A section is added to the provisions of this Connecticut law, for the punishment, by imprisonment in the state prison, of any person who shall obstruct the execution of a warrant issued under it, or aid in the escape of the person accused. Another section forbids the enforcement of a judgment recovered for violation of the "fugitive slave act," by the sale of any real or personal property in the state, and makes its provisions applicable to judgments theretofore rendered.

The law relative to kidnapping punishes the forcible seizure, without lawful authority, of any person of color, with intent to cause

him to be sent out of the state or sold as a slave, or in any manner to transfer his service or labor, or the actual selling or transferring the service of such person, by imprisonment in the state prison from one to two years, or by fine from five hundred to one thousand dollars. The consent of the person seized, sold or transferred, not to be a defence, unless it appear to the jury that it was not obtained by fraud, nor extorted by duress or by threats.

Iowa.

The law of this state is similar to that of Indiana, except that here there seems to be no direct provision favoring the recovery of fugitive slaves. Like that of Indiana and Illinois, the law as to kidnapping may be so construed as greatly to obstruct the arrest of such fugitives. The maximum of punishment is, however, something less, being five years in the state prison and a fine of $1000.

Offensive resolutions have also been adopted by its legislature.

Minnesota.

What is to be objected to the legislation of this state is, that there is no sufficient recognition of the right of the master to recover his fugitive slave; and consequently, even if such was not the *design* of the omission, the way is left open for the perversion of the law relative to the writ of *habeas corpus*, to the injury of slave owners.

Such are some of the evidences derived from official sources, of the rapid growth of unkind feelings among the people of the north to their brethren of the south. But there are others, which are too significant to be entirely overlooked.

The recent debates in the congress of the United States have disclosed the remarkable fact, that 68 republican members of congress have united in a written endorsement and recommendation to public favor, of an atrocious libel on southern institutions, prepared by a man who was openly denounced on the floor of the senate of the United States by a senator from his own state, as unworthy of trust and confidence. This infamous publication, thus commended to public approval by the regularly accredited representatives of near six millions of northern people, abounds in the most insidious appeals to the non-slaveholders of the southern

states, and seeks to inflame the minds of the slaves of the south, and to incite them to rise in rebellion against the authority of their masters; to murder them and their families, and to ravage the country with fire and sword. Yet with a full knowledge of all these facts, one of the endorsers of this libel on fifteen states of the confederacy has been nominated, and persistently pressed by the members of the republican party for election to the speakership of the house of representatives of the United States; and not one of the members of that party has been restrained by reason of that endorsement from giving him a cordial support.

Thus, under a constitution formed to "establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," we behold a large number of the representatives of the people, who had sworn to support that constitution, lending all their influence, personal and official, to defeat the great objects for which it was formed, to array section against section, and to fill the country with all the horrors of servile insurrection and intestine strife.

Your committee might also refer to the offensive tone of a portion of the northern press and pulpit, and to the libellous resolutions of numerous popular assemblies in the northern states, as evidences of the decline of that spirit of fraternity and unity which animated our fathers in the days of our revolutionary struggle. These are the ordinary channels through which public opinion makes itself heard and felt. But it would probably be uncharitable to the northern people to hold them responsible for all the ravings of fanatical agitators; and we therefore prefer to rely on those authentic manifestations of unfriendly feeling proceeding from the official representatives of the people, and for which the constituent body is justly responsible.

Your committee cheerfully acquit a large number of the northern people of any positive and active participation in these aggressions on southern rights and interests. The recent demonstrations of popular feeling made in some of the northern cities, are accepted in the spirit in which they were offered. But abstract resolutions in favor of the guarantees of the constitution are of no avail, unless they are followed by corresponding action. As long as the conservative people of the north remain passive, and permit agitators

and fanatics and enemies of the south to fill positions of public trust, and to speak and to act on behalf of their respective states, they cannot escape the responsibility which attaches to their declarations and acts. Those who have it in their power to prevent the perpetration of a wrong, and fail to exercise that power, must to a great extent be responsible for the wrong itself.

Thus the conservative men of the north are responsible for the organization and action of the republican party. It was their duty to have prevented it, and they had the power to fulfil that duty. They preferred, however, to remain inactive, and thus permitted the republican party to obtain the ascendancy in the state and national councils. They could not have been ignorant of the fact that such an organization must necessarily prove dangerous to the Union. They must have foreseen that a party organized on the basis of hostility to slavery extension, would very soon become a party opposed to slavery itself. The whole argument against the *extension* of slavery is soon, by a very slight deflection, made to bear against the *existence* of slavery, and thus the anti-extension idea is merged in that of abolition. Accordingly we find, notwithstanding the denial by the republican party of any purpose to interfere with slavery where it exists, that the tendency of its policy is to its extermination every where.

The logical consequences of their teachings have been exhibited in the recent raid at Harpers Ferry; and so long as that party maintains its present sectional organization, and inculcates its present doctrines, the south can expect nothing less than a succession of such traitorous attempts to subvert its institutions and to incite its slaves to rapine and murder. The crimes of John Brown were neither more nor less than practical illustrations of the doctrines of the leaders of the republican party. The very existence of such a party is an offence to the whole south.

Whether the recent outrages perpetrated upon the soil and citizens of Virginia, will have the effect of awakening the conservative sentiment of the north into efficient action, remains to be seen. Your committee cannot relinquish the hope that such will be its effect, and that thus good may come out of evil. Your committee have no appeals or remonstrances to address to their fellow-citizens of the north. They doubtless comprehend their obligations under the constitution to the people of the south. If they shall in future show a

readiness to fulfil those obligations, Virginia and the other southern states are prepared to bury the past in oblivion, and to respond with cordiality to every manifestation of a returning spirit of fraternity. As Virginia was among the foremost in the struggle for national independence, and contributed as much as any other state to the formation of the constitutional Union, she would be among the last to abandon it, provided its obligations be faithfully observed. Her sons having been educated to cherish "a cordial, habitual and immovable attachment to our national Union—accustomed to think and speak of it as the palladium of their political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it may in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

But the Union which they have been taught to love and revere is the Union contemplated by the constitution—a union of communities having equal rights; a union regulated and governed by the principles of the constitution—a Union of sovereign states, entitled to regulate their domestic affairs in their own way, and bound to fulfil their obligations to each other with scrupulous fidelity. When it shall cease to be such a Union, it will have forfeited all claims to their respect and affection. Virginia feels that she has discharged her whole duty to her sister states, and she asks nothing from them that is not guaranteed to her by the plain terms of the federal compact. She has not sought officiously to intermeddle with the domestic concerns of other states, and she demands that they shall refrain from all interference with hers.

But it is clear, from the review of the condition of the public sentiment of the northern states for the last five years, as indicated by their legislation and in other authentic forms, that many of their people have ceased to respect the rights of the southern states, to recognize the obligations of the federal compact, or to cherish for us those friendly sentiments which gave birth to the constitution of the United States. A proper sense of self-respect and the instinct of self-preservation therefore require that we should adopt such measures as may be necessary to secure ourselves against future aggression, and to meet every emergency which may hereafter arise. We

desire nothing but friendly relations with our sister states of the north. We ask of them nothing to which they have not solemnly bound themselves by the compact of the constitution. But we understand our rights, and we are resolutely determined to maintain them. We disclaim all aggressive purposes. But when we are threatened with the knife of the assassin and torch of the incendiary, we cannot fold our arms in blind security. We have no desire to rupture the political, commercial or social ties which bind us to the north, so long as our rights are respected. But admonished by the past, it is our duty to prepare for the future by placing ourselves in an attitude of defence, and by adopting such measures as may be necessary for our security and welfare.

Your committee therefore recommend to the general assembly the following resolutions for adoption:

1. Resolved, that the appropriate standing committees of the two houses of the general assembly be instructed to prepare and report such bills as in their judgment may be necessary to organize, arm and equip the militia of the state for active and efficient service.

2. Resolved, that the committees on finance be instructed to prepare and report such bills as in their judgment may be most effectual (without violating the provisions of the constitution of the United States) in encouraging the domestic manufactures of our own state, promoting direct trade with foreign countries, and establishing, as far as may be practicable, our commercial independence.

3. Resolved, that we earnestly invite the co-operation of our sister states of the south in carrying out the policy indicated in the foregoing resolutions.

4. Resolved, that the committees for courts of justice be instructed to report such bills as may be necessary to secure the more prompt and effectual punishment of all foreign emissaries and others who may be found guilty of conspiring against the peace of our community, or seeking to incite our slaves to insurrection.

5. Resolved, that the course of the late governor in regard to the Harpers Ferry affair is amply vindicated by the evidence before the committee, and entitles him to the emphatic commendation of the country.